THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.21175 of 2005

Date:28..09.2005

D.Hari Krishna and others

----------Petitioners

The State of Andhra Pradesh, Rep. By its Principal

Secretary to Government, Health, Medical and Family Welfare(K2)

Department, Secretariat Buldings, Hyderabad and others

----------Respondents

ORDER:

The petitioners appeared in the Entrance Examination conducted for selection of candidates for admission into I-Year of B.Sc.(Nursing) Course during the academic year 2005-06. They secured the ranks of 2129, 1147, 1013, 1695 and 3700 respectively. During the course of counselling for allotment of candidates to various institutions, the respondents restricted the admission of male candidates into the said course only to the extent of 5% of the existing seats. The grievance of the petitioners is that large number of seats in various colleges are vacant, on account of non-availability of adequate number of women candidates and that the respondents are not considering the cases of the petitioners, on the ground that they cannot admit male candidates over and above 5% of the total number of seats. They seek appropriate direction in this regard.

Heard the learned Standing Counsel for respondents 2 and 4 and the learned Government Pleader for respondents 1 and 3.

The course of B.Sc.(Nursing) is studied mostly by the female candidates. However, the regulations issued by the Nursing Council of India disclose that even male candidates are entitled to study that course. Obviously with a view

to protect the interests of the women candidates, the Government of A.P. issued instructions from time to time stipulating that not more than 5% of the seats shall be allotted to male candidates. Such memos have neither been challenged nor been found fault with. In fact, the petitioners also do not have any grievance about it. However, a situation had emerged, wherein there is acute dearth of female candidates to fill 95% of the seats allocated to them. It was in this context that the Government sought for clarification from the Nursing Council of India as to whether the male candidates can be admitted for the said course, and if so, what is the percentage. The Nursing Council of India clarified through the letter, dated 11.02.2005, that the course can be studied by male or female candidates and that their admissions need not be restricted to any percentage. In several writ petitions filed by the concerned institutions, it is directed that admission of male candidates over and above 5%, in case there are existed any vacancies, on account of lack of women candidates. If seats are remaining vacant in various institutions, on account of lack of women candidates, there is no reason why the vacant seats shall not be filled by the male candidates.

For the foregoing reasons, the writ petition is disposed of, directing that the respondents herein shall consider the cases of the petitioners for admission into I-Year of B.Sc.(Nursing) Course, against any existing vacancies, without restricting the admissions of male candidates to 5%. There shall be no order as to costs.

_____

28.09.2005

Note: Issue C.C. by tomorrow.

(B/o)

Jsu